



W.P.(MD)No.3203 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3203 of 2023

Chelladurai

... Petitioner

Vs.

1.The Director General of Police,
O/o.Director General of Police,
Chennai.

2.The Commandant,
O/o. the Assistant Commandant,
Tamil Nadu Special Police,
14th Battalion, Palani.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.C5/1515/39/2022 dated 11.01.2023 and quash the same and consequently direct the respondents to sanction a sum of Rs.45,200/- as financial assistance to the petitioner, as per the Tamil Nadu Police Provident Fund Scheme for Police Officers and Personnel.



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For Petitioner : M/s.A.Rajaram
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent dated 11.01.2023 and to quash the same and consequently direct the respondents to sanction a sum of Rs.45,200/- as financial assistance to the petitioner, as per the Tamil Nadu Police Provident Fund Scheme for Police Officers and Personnel.

2. The case of the petitioner is that he is the retired Inspector of Police and Member of the Tamil Nadu Police Health Fund Scheme and he has paid contribution to TNPPF. While so, the petitioner's wife suffered with uterus cancer, thereby she underwent surgery and the petitioner has spent a sum of Rs.45,200/-. Hence, he has made a claim before the respondents, as per G.O.(Ms.).No.222, Finance (Pension) Department, dated 30.06.2018 and G.O.(Ms.).No.437, Home (Police -IX) Department, dated 01.03.1995. However, the said claim was rejected by the second respondent, on the



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ground that the surgery is not covered under serious nature of surgery.

Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly the petitioner's wife underwent major surgery for removal of uterus and if it is not done, her life will be stake. Hence, as per the Doctor's advice, she underwent surgery and spent a sum of Rs.45,200/-, which is a meagre one. But the same was refused. Hence, he prayed for allowing of this writ petition.

4. The learned Government Advocate appearing for the respondents relied upon Clause 3 of the G.O.(Ms).No.437, Home (Police IX) Department, dated 17.03.1995, would submit that the surgery is not coming under the specialised category. Hence, the claim of the petitioner was rejected, which is perfectly in order. Therefore, he prayed for dismissal of this writ petition.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner is the retired Inspector of Police and Member of the Tamil Nadu Police Health Fund Scheme and he is eligible to get the medical reimbursement. However, the claim of the petitioner was rejected, on the ground that the surgery is not covered under serious nature of surgery. For better appreciation, Para 3 of the G.O.(Ms.).No.437, dated 01.03.1995, reads as follows:

“3.The Police personnel, Staff etc., will be eligible for financial assistance in respect of the following specialised categories only:-

1. Open Heart Surgery,
2. Renal Transplant,
3. Lithotripsy,
4. Invitro – Fertilisation,
5. Orthopedic Surgery,



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6. *Neurosurgery including Brain/Spinal Chord etc.,*
7. *Cancer /Blood Cancer /Chemotherapy,*
8. *Reconstructive surgery necessitated consequent on accident.*

7. A perusal of the above said categories make it clear that Clause 7 relates to Cancer/Blood Cancer/Chemotherapy. Hence, this surgery can fit into Clause 7 of para 3 of the above said G.O. Therefore, the rejection order passed by the second respondent dated 11.01.2023 is not sustainable one and the same is quashed and the respondents are directed to disburse eligible medical reimbursement to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is allowed. No costs.

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M.DHANDAPANI,J.

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